

**U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:03-cv-00732-HEA**

Solae, L.L.C. v. Archer Daniels Co., et al
Assigned to: Honorable Henry E. Autrey
Referred to:
Demand: \$0
Lead Docket: None
Related Cases: None
Case in other court: None
Cause: 28:1338 Patent Infringement

Date Filed: 06/03/03
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Solae, L.L.C.

represented by **Andrew Rothschild**
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V.

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(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Amerifit Nutrition, Inc.

V.

Counter Defendant

Solae, L.L.C.

Counter Claimant

Archer Daniels Midland Company

V.

Counter Defendant

Solae, L.L.C.

Filing Date	#	Docket Text
06/03/2003	1	COMPLAINT; # Summons Issued: 2 # Days to Respond: 20 # Counts: 1 Disclosure of Corp Cert issued to: deft; jury demand exhibits attached: A-B (KLK) (Entered: 06/03/2003)
06/03/2003	2	RECEIPT # S2003-007859 in the amount of \$ 150.00 for filing fee (KLK) (Entered: 06/03/2003)
06/03/2003	3	TRACK INFORMATION STATEMENT filed by plaintiff Solae, L.L.C. track 3 preferred (KLK) (Entered: 06/03/2003)
06/03/2003	4	DISCLOSURE of Corporation Interests Certificate Parent companies: E.I. du Pont de Nemours and Company and Bunge Ltd. Subsidiaries: So Good International, Fuji Protein Technologies, DuPont Shineway Louhe Protein Company Limited, and Solae do Brasil. Publicly held company: E.I. du Pont de Nemours and Company and Bunge Ltd. by plaintiff Solae, L.L.C. (KLK) (Entered: 06/03/2003)
06/03/2003	5	NOTICE OF PRIVATE PROCESS SERVER; Process Server: Markell & Associates (KLK) (Entered: 06/03/2003)
06/03/2003		REPORT on the filing or determination of an action regarding Patent (cc: form mailed to register) (KLK) (Entered: 06/03/2003)
06/04/2003	6	MOTION by plaintiff Solae, L.L.C. for order to substitute exhibit a of the complaint filed 6/3/03 substituting exhibit a attached (MJM) (Entered: 06/05/2003)
06/05/2003	<u>7</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for order to substitute exhibit a of the complaint filed 6/3/03 [6-1] (cc: all counsel) (MJM) (Entered: 06/05/2003)
06/11/2003	8	RETURN OF SERVICE executed upon defendant Amerifit Nutrition on 6/10/03 by personal service by serving Luz Marquez (MJM) (Entered: 06/12/2003)

06/12/2003	9	RETURN OF SERVICE executed upon defendant Archer Daniels Co. on 6/4/03 by personal service by serving Bonnie Hunt, Registered Agent (MJM) (Entered: 06/13/2003)
06/19/2003	10	MOTION by plaintiff Solae, L.L.C. for attorney David F. Ries to appear pro hac vice (MJM) (Entered: 06/20/2003)
06/19/2003	11	RECEIPT # S2003-008389 in the amount of \$ 25.00 for Attorney admission for David L. Ries (MJM) (Entered: 06/20/2003)
06/20/2003	12	MOTION by plaintiff Solae, L.L.C. for attorney Patricia A. Carson to appear pro hac vice (MJM) (Entered: 06/24/2003)
06/20/2003	13	RECEIPT # S2003-008425 in the amount of \$ 25.00 for Attorney admission for Patricia Carson (MJM) (Entered: 06/24/2003)
06/23/2003	<u>14</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney David F. Ries to appear pro hac vice [10-1] (cc: all counsel) (MJM) (Entered: 06/24/2003)
06/23/2003	15	ATTORNEY APPEARANCE for plaintiff Solae, L.L.C. by David F. Ries (MJM) (Entered: 06/24/2003)
06/26/2003	16	ATTORNEY APPEARANCE for defendant Archer Daniels Co. by Stephen H. Rovak, Michael T. Marrah, Kirill Y. Abramov (MJM) (Entered: 06/26/2003)
06/26/2003	16	MOTION by defendant Archer Daniels Co. for extension of time to answer Plaintiff's complaint until 7/3/03 (MJM) (Entered: 06/26/2003)
06/26/2003	<u>17</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for extension of time to answer Plaintiff's complaint until 7/3/03 [16-1] (cc: all counsel) (MJM) (Entered: 06/26/2003)
06/26/2003	18	DISCLOSURE of Corporation Interests Certificate Parent companies: None Subsidiaries: See Attachment Publicly held company: None by defendant Archer Daniels Co. (MJM) (Entered: 06/27/2003)
06/30/2003	19	MOTION by defendant Amerifit Nutrition for an extension of time to respond to Plaintiff's complaint up to and including 7/14/03 (MJM) (Entered: 07/01/2003)
06/30/2003	<u>20</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Patricia A. Carson to appear pro hac vice [12-1] (cc: all counsel) (MJM) (Entered: 07/01/2003)

06/30/2003	21	ATTORNEY APPEARANCE for plaintiff Solae, L.L.C. by Patricia Carson (Entry of appearance received in Clerk's Office on 6/20/03-- Order admitting pro-hac signed 6/30/03) (MJM) (Entered: 07/01/2003)
07/01/2003	<u>22</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for an extension of time to respond to Plaintiff's complaint up to and including 7/14/03 [19-1] (cc: all counsel) (MJM) (Entered: 07/02/2003)
07/02/2003	39	RECEIPT # S2003-009526 in the amount of \$ 50.00 for Attorney Admission for Gary Greenburg and Annapoorni Sankaran (MJM) (Entered: 07/23/2003)
07/03/2003	23	Notice of Motion: Motion to Dismiss by defendant Archer Daniels Co. (MJM) (Entered: 07/08/2003)
07/03/2003	23	MOTION by defendant Archer Daniels Co. to dismiss Date Motion Received: 7/10/03 [23-1] w/ memo in support and declaration of David K.S. Cornwell in support of motion attached (MJM) (Entered: 07/15/2003)
07/10/2003	24	MOTION by plaintiff Solae, L.L.C., defendant Archer Daniels Co. for leave to submit motion to dismiss w/ proposed order and motion to dismiss, memo in support and declaration of David K.S. Cornwell attached. (MJM) (Entered: 07/11/2003)
07/10/2003	24	MOTION by plaintiff Solae, L.L.C., defendant Archer Daniels Co. for extension of time for Plaintiff to file a response to motion to dismiss up to and including 8/4/03 and Defendant to file a reply in support of motion up to and including 8/14/03 w/ proposed order, motion to dismiss, memo in support and declaration of David K.S. Cornwell attached (MJM) (Entered: 07/11/2003)
07/11/2003	25	MOTION by defendant Amerifit Nutrition to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 (MJM) (Entered: 07/15/2003)
07/14/2003	<u>26</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for extension of time for Plaintiff to file a response to motion to dismiss up to and including 8/4/03 and Defendant to file a reply in support of motion up to and including 8/14/03 [24-1], granting motion for leave to submit motion to dismiss [24-1] (cc: all counsel) (MJM) (Entered: 07/15/2003)
07/14/2003	27	MOTION by defendant Amerifit Nutrition to withdraw the memo in support of motion to dismiss w/ corrected memo in support attached

		(MJM) (Entered: 07/15/2003)
07/16/2003	28	MOTION by plaintiff Solae, L.L.C. for additional time to file response to defendant Amerifit's Motion to dismiss (MJM) (Entered: 07/17/2003)
07/17/2003	29	MOTION by defendant Archer Daniels Co. for attorney Donald R. Banowit to appear pro hac vice (MJM) (Entered: 07/18/2003)
07/17/2003	30	MOTION by defendant Archer Daniels Co. for attorney Timothy J. Shea, Jr. to appear pro hac vice (MJM) (Entered: 07/18/2003)
07/17/2003	31	MOTION by defendant Archer Daniels Co. for attorney David K.S. Cornwell to appear pro hac vice (MJM) (Entered: 07/18/2003)
07/17/2003	32	RECEIPT # S2003-009440 in the amount of \$ 75.00 for Attorney Admission for Donald R. Banowit, Timothy J. Shea, Jr., and David K.S. Cornwell (MJM) (Entered: 07/18/2003)
07/21/2003	<u>33</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney David K.S. Cornwell to appear pro hac vice [31-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
07/21/2003	<u>34</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Timothy J. Shea, Jr. to appear pro hac vice [30-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
07/21/2003	<u>35</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Donald R. Banowit to appear pro hac vice [29-1] (cc: all counsel) (CEL) (Entered: 07/21/2003)
07/21/2003	<u>36</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for additional time to file response to defendant Amerifit's Motion to dismiss [28-1] Pltff granted until 8/4 to file opposition to Amerifit's motion and Amerifit is granted until 8/14 to file reply (cc: all counsel) (CEL) (Entered: 07/22/2003)
07/22/2003	37	MOTION by defendant Amerifit Nutrition for attorney Gary R. Greenburg to appear pro hac vice (MJM) (Entered: 07/23/2003)
07/22/2003	38	MOTION by defendant Amerifit Nutrition for attorney Annapoorni R. Sankaran to appear pro hac vice (MJM) (Entered: 07/23/2003)
07/23/2003	<u>40</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Gary R. Greenburg to appear pro hac vice [37-1] (cc: all counsel) (CLA) (Entered: 07/25/2003)

07/23/2003	<u>41</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for attorney Annapoorni R. Sankaran to appear pro hac vice [38-1] (cc: all counsel) (CLA) (Entered: 07/25/2003)
07/25/2003	42	DISCLOSURE of Corporation Interests Certificate Parent companies: None Subsidiaries: All subsidiaries are wholly owned by Amerifit Publicly held company: Jefferies, Inc., Fleet Bank and GlaxoSmithKline each are public companies which own ten percent (10%) or more of Amerifit through various private investment funds which they own or control by defendant Amerifit Nutrition (MJM) (Entered: 07/28/2003)
08/04/2003	43	MOTION by plaintiff Solae, L.L.C. for leave to file resp. to motion under seal w/ resp. attached (MJM) (Entered: 08/05/2003)
08/11/2003	<u>44</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for leave to file resp. to motion under seal [43-1] (cc: all counsel) (MJM) (Entered: 08/11/2003)
08/11/2003	45	RESPONSE (memo in opp.) by plaintiff Solae, L.L.C. to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1] w/ declaration of David F. Ries in support of resp. to mtn. attached (FILED UNDER SEAL) (MJM) (Entered: 08/11/2003)
08/11/2003	45	SEALED DOCUMENT by plaintiff Solae, L.L.C. [45-1] (MJM) (Entered: 08/11/2003)
08/14/2003	46	REPLY by defendant Amerifit Nutrition to response to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1] (MJM) (Entered: 08/15/2003)
08/14/2003	47	REPLY by defendant Archer Daniels Co. to response to motion to dismiss Date Motion Received: 7/10/03 [23-1] [23-1] w/ exhs m-o attached (MJM) (Entered: 08/15/2003)
08/25/2003	48	MOTION by plaintiff Solae, L.L.C. for leave to file surreply under seal (MJM) (Entered: 08/26/2003)
08/26/2003	<u>49</u>	RULED DOCUMENT by Honorable Henry E. Autrey granting motion for leave to file surreply under seal [48-1] (cc: all counsel) (MJM) (Entered: 08/27/2003)
08/26/2003	50	SUR-REPLY by plaintiff Solae, L.L.C. to response to motion to dismiss Plaintiff's Complaint Date Motion Received: 7/11/03 [25-1], motion to dismiss Date Motion Received: 7/10/03 [23-1] [23-1] w/ exh 19 attached (FILED UNDER SEAL) (MJM) Modified on 08/27/2003 (Entered: 08/27/2003)

08/26/2003	50	SEALED DOCUMENT by plaintiff Solae, L.L.C. [50-1] (MJM) (Entered: 08/27/2003)
08/29/2003	51	RESPONSE by defendant Archer Daniels Co. to [48-1] (CLA) (Entered: 09/02/2003)
08/29/2003	51	MOTION by defendant Archer Daniels Co. requesting the Court to vacate its order of 8/26/03 (MJM) (Entered: 09/05/2003)
09/03/2003	52	RESPONSE by plaintiff Solae, L.L.C. to motion requesting the Court to vacate its order of 8/26/03 [51-1] (MJM) (Entered: 09/05/2003)
11/21/2003	<u>53</u>	Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Abramov, Kirill) (Entered: 11/21/2003)
11/21/2003	<u>54</u>	MEMORANDUM in Support of Motion re <u>53</u> Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 11/21/2003)
11/21/2003	<u>55</u>	SUPPLEMENTAL re <u>53</u> Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 <i>PROPOSED ORDER</i> by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 11/21/2003)
12/04/2003	<u>56</u>	RESPONSE/Memorandum in Opposition re <u>53</u> Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Plaintiff Solae, L.L.C.. (Attachments: # <u>1</u> Exhibit 1) (Goerisch, C.) (Entered: 12/04/2003)
12/11/2003	<u>57</u>	REPLY to Response to Motion re <u>53</u> Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 12/11/2003)
12/11/2003		Docket Text ORDER re <u>53</u> Joint MOTION to Consolidate Cases Consolidate with higher case number 4:03CV1595 filed by Archer Daniels Midland Company, Amerifit Nutrition, Inc. ; ORDERED Denied. Signed by Judge Henry E. Autrey on 12/11/03. (MJM,) (Entered: 12/16/2003)
12/12/2003	<u>58</u>	MEMORANDUM re <u>57</u> Reply to Response to Motion by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 12/12/2003)

01/06/2004	<u>59</u>	NOTICE by Plaintiff Solae, L.L.C. of <i>Firm Change for Certain Counsel and Withdrawal of Certain Other Counsel</i> (Goerisch, C.) (Entered: 01/06/2004)
01/06/2004	<u>60</u>	NOTICE by Defendant Amerifit Nutrition, Inc. of <i>Withdrawal of Counsel</i> (Cassetta, Richard) (Entered: 01/06/2004)
01/06/2004	<u>61</u>	ENTRY of Appearance by Kirill Y. Abramov Defendant Amerifit Nutrition, Inc.. (Abramov, Kirill) (Entered: 01/06/2004)
01/08/2004		Docket Text ORDER ; ORDERED GRANTING notice of firm change doc. #59 - address updated re: atty Carson; atty Ries termed as atty of record. Signed by Judge Henry E. Autrey on 1/8/04. (CEL,) (Entered: 01/20/2004)
01/08/2004		Docket Text ORDER ; ORDERED GRANTING notice doc #60 - attys with Thompson Coburn and Greenberg Traurig termed as attys of record. Signed by Judge Henry E. Autrey on 1/8/04. (CEL,) (Entered: 01/20/2004)
01/12/2004	<u>62</u>	RULE 16 ORDER This case is assigned to Track: (2) Standard Joint Scheduling Plan due by 1/27/2004. Rule 16 Conference set for 2/6/2004 12:00 PM in In Chambers before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 1/12/04. (MJM,) (Entered: 01/12/2004)
01/27/2004	<u>63</u>	Joint MOTION Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company, Plaintiff Solae, L.L.C.. (Abramov, Kirill) (Entered: 01/27/2004)
01/29/2004	<u>64</u>	ORDER re <u>63</u> Joint MOTION Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan filed by Archer Daniels Midland Company, Solae, L.L.C., Amerifit Nutrition, Inc. IT IS HEREBY ORDERED that Defendant's Joint MOTION to Reschedule Rule 16 Conference and For an Extension of Time to Submit Proposed Scheduling Plan [Doc. #63] is GRANTED. The Rule 16 conference previously scheduled for February 6, 2004 at 12:00 p.m. is hereby rescheduled to Friday, March 5, 2004 at 11:30 a.m. in the chambers of the undersigned. Rule 16 Conference set for 3/5/2004 11:30 AM in Courtroom 10N before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 1/29/04. (MJM,) (Entered: 01/29/2004)
01/30/2004	<u>65</u>	JOINT SCHEDULING PLAN by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company, Plaintiff Solae, L.L.C... (Goerisch, C.) (Entered: 01/30/2004)

02/11/2004	<u>66</u>	ORDER IT IS HEREBY ORDERED that the Rule 16 conference previously scheduled for Friday, March 5, 2004 at 11:30 a.m. is hereby reset to 11:00 a.m. in the chambers of the undersigned. Rule 16 Conference set for 3/5/2004 11:00 AM in In Chambers before Honorable Henry E. Autrey.. Signed by Judge Henry E. Autrey on 2/11/04. (MJM,) (Entered: 02/11/2004)
02/13/2004		Receipt # S2004-004255 in the amount of \$25.00 for ATTORNEY ADM. FEE - PHV on behalf of FLEMING, THOMAS F.. (CSW,) (Entered: 02/13/2004)
02/13/2004	<u>67</u>	MOTION for Leave to Appear Pro Hac Vice Thomas Fleming by Plaintiff Solae, L.L.C.. (MJM,) (Entered: 02/18/2004)
02/20/2004		Docket Text ORDER re <u>67</u> MOTION for Leave to Appear Pro Hac Vice RE: Thomas Fleming filed by Solae, L.L.C.. Signed by Judge Henry E. Autrey on 2/20/04. (CEL,) (Entered: 02/20/2004)
03/05/2004	<u>68</u>	MEMORANDUM in Support of Motion re [25] Motion to Dismiss filed by Defendant Amerifit Nutrition, Inc.. (CLA,) (Entered: 03/05/2004)
03/05/2004	<u>69</u>	ORDER It is hereby ordered that memorandum withdrawing memorandum in support of mtn. deft. Amerifit Nutrition Inc., to dismiss pltff.'s complaint filed 7/11/03, is granted [27] Signed by Judge Henry E. Autrey on 3/5/04. (CLA,) (Entered: 03/05/2004)
03/05/2004	<u>70</u>	ORDER It is hereby ordered that deft. Archer Daniels Midland Company's mtn. to vacate the court's order of 8/26/03 #51 is denied. Signed by Judge Jean C. Hamilton on 3/5/04. (CLA,) (Entered: 03/05/2004)
03/11/2004	<u>71</u>	ORDER It is hereby ordered that deft. Archer Daniels Midland Co.'s mtn. to dismiss for lack of standing and failure to join an indispensable party is denied #23 motion to dismiss. It is further ordered that mtn. of deft. Amerifit Nutrition Inc., to dismiss pltff.'s complaint is denied [25] Motion to Dismiss Signed by Judge Henry E. Autrey on 3/11/04. (CLA,) (Entered: 03/12/2004)
03/15/2004	<u>72</u>	CASE MANAGEMENT ORDER This case is assigned to Track: 3 Motion to Join Parties due by 6/14/2004. Discovery Completion due by 12/20/2004. Non-Dispositive Motions due by 12/31/2004. ADR Future Reference 7/19/2004. Dispositive Motions due by 3/4/2005. Jury Trial set for 6/6/2005 09:30 AM in Courtroom 10N before Honorable Henry E. Autrey. Pretrial Compliance due by 5/18/2005. Motion in Limine due by 5/28/2005.. Signed by Judge Henry E. Autrey on 3/15/04. (CEL,) (Entered: 03/15/2004)

03/18/2004	<u>73</u>	MOTION for Reconsideration by Defendant Archer Daniels Midland Company. (Rovak, Stephen) (Entered: 03/18/2004)
03/24/2004		Docket Text ORDER re <u>73</u> MOTION for Reconsideration filed by Archer Daniels Midland Company ; ORDERED DENIED. Signed by Judge Henry E. Autrey on 3/24/04. (MJM,) (Entered: 03/24/2004)
03/25/2004	<u>74</u>	Consent MOTION for Leave to File An Answer On or before April 1, 2004 by Defendant Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 03/25/2004)
03/26/2004		Docket Text ORDER re <u>74</u> Consent MOTION for Leave to File An Answer On or before April 1, 2004 filed by Archer Daniels Midland Company ; ORDERED Granted. Signed by Judge Henry E. Autrey on 3/26/04. (MJM,) (Entered: 03/26/2004)
04/01/2004	<u>75</u>	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against plaintiff Solae, L.L.C. Jury DemandDemand, by Amerifit Nutrition, Inc..(Abramov, Kirill) (Entered: 04/01/2004)
04/01/2004	<u>76</u>	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against plaintiff Solae, L.L.C. Jury DemandDemand, by Archer Daniels Midland Company.(Abramov, Kirill) (Entered: 04/01/2004)
04/02/2004	<u>77</u>	AMENDED CASE MANAGEMENT ORDER This case is assigned to Track: 3 Motion to Join Parties due by 6/14/2004. Discovery Completion due by 12/20/2004. Non-Dispositive Motions due by 12/31/2004. ADR Future Reference 7/18/2004. Dispositive Motions due by 3/4/2005. Jury Trial set for 6/6/2005 09:30 AM in Courtroom 10N before Honorable Henry E. Autrey. Pretrial Compliance due by 5/17/2005.. Signed by Judge Henry E. Autrey on 4/2/04. (CEL,) (Entered: 04/02/2004)
04/21/2004	<u>78</u>	<i>Plaintiff's</i> ANSWER to Counterclaim of Defendant Archer Daniels Midland Company by Solae, L.L.C..(Goerisch, C.) (Entered: 04/21/2004)
04/21/2004	<u>79</u>	<i>Plaintiff's</i> ANSWER to Counterclaim of Defendant Amerifit Nutrition, Inc. by Solae, L.L.C..(Goerisch, C.) (Entered: 04/21/2004)

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